

REMARKS/ARGUMENTS

A. Remarks.

Claims 1-78 are pending, claims 1-78 stand rejected. Claims 1, 10, 35, and 75 are objected to. Claims 17-19, 28, and 35-39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 75-78 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 17-19 stand objected to under 37 C.F.R. § 1.75 as being a substantial duplicate of claims 14-16. These claims are being cancelled.

Claims 1-13, 23-25, 40-51, 55, 57, and 61-63 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Monchalin et al., U.S. Patent No. 5,131,748. Claims 20-22, 29-39, 56, 58-60, and 67-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Monchalin et al. '748. Claims 14-16 and 52-54 have been allowed. Claims 26-28 and 64-66 stand objected to as being dependent on a rejected base claim, but found allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

B. Response

1. Claim Objections

Claims 1, 10, 35, and 75 are objected to. In response, claims 10, 35, and 75 are being cancelled with this paper and claim 1 is being amended.

2. Claim Rejections 35 U.S.C. § 112

Claims 17-19, 28, and 35-39 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In response, claims 17-19 and 35-39 are being cancelled and claim 28 is being amended.

3. Claim Rejections 35 U.S.C. § 101

Claims 75-78 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. These claims are being cancelled with this paper.

4. Claim Rejections 35 U.S.C. § 102(b)

Claims 1-13, 23-25, 40-51, 55, 57, and 61-63 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Monchalin et al. '748

In response, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). Claims 5-13, 55, and 57 are being cancelled and claims 1, 23, 40, and 61 are being amended.

Claim 1 as amended now includes an electro-optic polarizer and a first and second electro-optic phase modulator. Claim 40 as amended includes passing at least a portion of the pump beam through a continuously phase changing phase modulator. These elements of claims 1 and 40 are not found in Monchalin et al. '748. Claims 23 and 61 are being amended to respectively include elements from allowable claims 26 and 64. Because each and every element of the remaining rejected claims is not found in Monchalin et al. '748, applicants respectfully request this rejected be reconsidered and removed.

4. Claim Rejections 35 U.S.C. § 103(a)

Claims 20-22, 29-39, 56, 58-60, and 67-78 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Monchalin et al. '748. In response, claims 20-22, 35-39, 56-60, and 75-78 are being cancelled. Claims 23 and 61 are being amended to incorporate elements from dependent claims that have been found allowable, these claims are therefore allowable as well.

Claims 28-34 and 67-64 depend, directly or indirectly, respectively from claims 23 and 61, and as such are in allowable form.

5. Allowed Claims


Claims 14-16 and 52-54 have been allowed. Claims 26-28 and 64-66 stand objected to as being dependent on a rejected base claim, but found allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 23 and 61 are being amended with this paper to include limitations from claims 26 and 64; claims 26 and 64 are being cancelled.

CONCLUSION

It is believed that the foregoing response is full and complete. Applicants respectfully request reconsideration of the instant application in light of the foregoing response and amendments. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of the application, the Examiner is invited to contact the Applicants' representative by telephone or fax.

Date: August 18th, 2009

Respectfully submitted,



Keith R. Derrington
Registration No. 44,061
BRACEWELL & GIULIANI LLP
P.O. Box 61389
Houston, Texas 77208-1389
(713) 221-1515 direct phone
(713) 437-5320 direct facsimile
Email: ron.derrington@bgllp.com
Attorney for Applicant